

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
NOV 22 2006

CLERK

UNITED STATES OF AMERICA, * CR 06-40052

Plaintiff, *

vs. * ORDER

HERICK CARIAS, *

Defendant. *

Counsel for Defendant Herick Carias has filed a Motion for Continuance, Doc. 50, requesting the deadline for the plea bargain and trial date be continued, and the Government has no objection. After consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion, Defendant's Motion is granted. Once Defendant's counsel is physically able to do so, a waiver of speedy trial must be filed for the continuance.

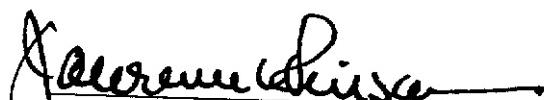
IT IS ORDERED:

1. That Defendant Herick Carias' Motion for Continuance, Doc. 50, is granted.
2. That January 23, 2007, is hereby set as the deadline for submission to the Court of any proposed plea agreement by any Defendant.
3. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.

4. That the jury trial herein shall commence in Sioux Falls, South Dakota, on Tuesday, March 6, 2007, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
5. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 22nd day of November, 2006.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Sherry Marquardt
DEPUTY